

CERTIFICATION OF ENROLLMENT  
SECOND SUBSTITUTE HOUSE BILL 1289

54th Legislature  
1996 Regular Session

Passed by the House January 31, 1996  
Yeas 96 Nays 0

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Speaker of the  
House of Representatives

Passed by the Senate February 27, 1996  
Yeas 46 Nays 0

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President of the Senate

Approved

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Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 1289** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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Chief Clerk

FILED

Secretary of State  
State of Washington

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**SECOND SUBSTITUTE HOUSE BILL 1289**

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Passed Legislature - 1996 Regular Session

**State of Washington                      54th Legislature                      1996 Regular Session**

**By** House Committee on Law & Justice (originally sponsored by Representatives Ballasiotes, Costa, Sheahan, Van Luven, Lambert, Mason, Mielke, Reams, Delvin, Foreman and Scott)

Read first time 01/22/96.

1            AN ACT Relating to vessels; amending RCW 88.12.155; reenacting and  
2 amending RCW 9.94A.320; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 88.12.155 and 1993 c 244 s 18 are each amended to read  
5 as follows:

6            (1) The operator of a vessel involved in a collision, accident, or  
7 other casualty, to the extent the operator can do so without serious  
8 danger to the operator's own vessel or persons aboard, shall render all  
9 practical and necessary assistance to persons affected by the  
10 collision, accident, or casualty to save them from danger caused by the  
11 incident. Under no circumstances may the rendering of assistance or  
12 other compliance with this section be evidence of the liability of such  
13 operator for the collision, accident, or casualty. The operator shall  
14 also give all pertinent accident information, as specified by rule by  
15 the commission, to the law enforcement agency having jurisdiction:  
16 PROVIDED, That this requirement shall not apply to operators of vessels  
17 when they are participating in an organized competitive event  
18 authorized or otherwise permitted by the appropriate agency having  
19 jurisdiction and authority to authorize such events. These duties are

1 in addition to any duties otherwise imposed by law. Except as provided  
2 for in RCW 88.12.015 and subsection (3) of this section, a violation of  
3 this subsection is a civil infraction punishable under RCW 7.84.100.

4 (2) Any person who complies with subsection (1) of this section or  
5 who gratuitously and in good faith renders assistance at the scene of  
6 a vessel collision, accident, or other casualty, without objection of  
7 the person assisted, shall not be held liable for any civil damages as  
8 a result of the rendering of assistance or for any act or omission in  
9 providing or arranging salvage, towage, medical treatment, or other  
10 assistance, where the assisting person acts as any reasonably prudent  
11 person would have acted under the same or similar circumstances.

12 (3) An operator of a vessel is guilty of a class C felony and is  
13 punishable pursuant to RCW 9A.20.021 if the operator: (a) Is involved  
14 in a collision that results in injury to a person; (b) knew or  
15 reasonably should have known that a person was injured in the  
16 collision; and (c) leaves the scene of the collision without rendering  
17 all practical and necessary assistance to the injured person as  
18 required pursuant to subsection (1) of this section, under  
19 circumstances in which the operator could have rendered assistance  
20 without serious danger to the operator's own vessel or persons aboard.  
21 This subsection (3) applies to collisions that occur on fresh waters  
22 located within the state of Washington, except self-propelled cargo  
23 vessel ships in commerce of three hundred or more gross tons, including  
24 but not limited to commercial fishing processing vessels and  
25 freighters.

26 **Sec. 2.** RCW 9.94A.320 and 1995 c 385 s 2, 1995 c 285 s 28, and  
27 1995 c 129 s 3 (Initiative Measure No. 159) are each reenacted and  
28 amended to read as follows:

29 TABLE 2

30 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

31	XV	Aggravated Murder 1 (RCW 10.95.020)
32	XIV	Murder 1 (RCW 9A.32.030)
33		Homicide by abuse (RCW 9A.32.055)
34	XIII	Murder 2 (RCW 9A.32.050)

1 XII Assault 1 (RCW 9A.36.011)  
2 Assault of a Child 1 (RCW 9A.36.120)  
3 XI Rape 1 (RCW 9A.44.040)  
4 Rape of a Child 1 (RCW 9A.44.073)  
5 X Kidnapping 1 (RCW 9A.40.020)  
6 Rape 2 (RCW 9A.44.050)  
7 Rape of a Child 2 (RCW 9A.44.076)  
8 Child Molestation 1 (RCW 9A.44.083)  
9 Damaging building, etc., by explosion with  
10 threat to human being (RCW  
11 70.74.280(1))  
12 Over 18 and deliver heroin or narcotic  
13 from Schedule I or II to someone  
14 under 18 (RCW 69.50.406)  
15 Leading Organized Crime (RCW  
16 9A.82.060(1)(a))  
17 IX Assault of a Child 2 (RCW 9A.36.130)  
18 Robbery 1 (RCW 9A.56.200)  
19 Manslaughter 1 (RCW 9A.32.060)  
20 Explosive devices prohibited (RCW  
21 70.74.180)  
22 Indecent Liberties (with forcible  
23 compulsion) (RCW 9A.44.100(1)(a))  
24 Endangering life and property by  
25 explosives with threat to human being  
26 (RCW 70.74.270)  
27 Over 18 and deliver narcotic from Schedule  
28 III, IV, or V or a nonnarcotic from  
29 Schedule I-V to someone under 18 and  
30 3 years junior (RCW 69.50.406)  
31 Controlled Substance Homicide (RCW  
32 69.50.415)  
33 Sexual Exploitation (RCW 9.68A.040)  
34 Inciting Criminal Profiteering (RCW  
35 9A.82.060(1)(b))

1 Vehicular Homicide, by being under the  
2 influence of intoxicating liquor or  
3 any drug (RCW 46.61.520)

4 VIII Arson 1 (RCW 9A.48.020)  
5 Promoting Prostitution 1 (RCW 9A.88.070)  
6 Selling for profit (controlled or  
7 counterfeit) any controlled substance  
8 (RCW 69.50.410)  
9 Manufacture, deliver, or possess with  
10 intent to deliver heroin or cocaine  
11 (RCW 69.50.401(a)(1)(i))  
12 Manufacture, deliver, or possess with  
13 intent to deliver methamphetamine  
14 (RCW 69.50.401(a)(1)(ii))  
15 Vehicular Homicide, by the operation of  
16 any vehicle in a reckless manner (RCW  
17 46.61.520)

18 VII Burglary 1 (RCW 9A.52.020)  
19 Vehicular Homicide, by disregard for the  
20 safety of others (RCW 46.61.520)  
21 Introducing Contraband 1 (RCW 9A.76.140)  
22 Indecent Liberties (without forcible  
23 compulsion) (RCW 9A.44.100(1) (b) and  
24 (c))  
25 Child Molestation 2 (RCW 9A.44.086)  
26 Dealing in depictions of minor engaged in  
27 sexually explicit conduct (RCW  
28 9.68A.050)  
29 Sending, bringing into state depictions of  
30 minor engaged in sexually explicit  
31 conduct (RCW 9.68A.060)  
32 Involving a minor in drug dealing (RCW  
33 69.50.401(f))  
34 Reckless Endangerment 1 (RCW 9A.36.045)  
35 Unlawful Possession of a Firearm in the  
36 first degree (RCW 9.41.040(1)(a))

1 VI Bribery (RCW 9A.68.010)  
2 Manslaughter 2 (RCW 9A.32.070)  
3 Rape of a Child 3 (RCW 9A.44.079)  
4 Intimidating a Juror/Witness (RCW  
5 9A.72.110, 9A.72.130)  
6 Damaging building, etc., by explosion with  
7 no threat to human being (RCW  
8 70.74.280(2))  
9 Endangering life and property by  
10 explosives with no threat to human  
11 being (RCW 70.74.270)  
12 Incest 1 (RCW 9A.64.020(1))  
13 Manufacture, deliver, or possess with  
14 intent to deliver narcotics from  
15 Schedule I or II (except heroin or  
16 cocaine) (RCW 69.50.401(a)(1)(i))  
17 Intimidating a Judge (RCW 9A.72.160)  
18 Bail Jumping with Murder 1 (RCW  
19 9A.76.170(2)(a))  
20 Theft of a Firearm (RCW 9A.56.300)

21 V Persistent prison misbehavior (RCW  
22 9.94.070)  
23 Criminal Mistreatment 1 (RCW 9A.42.020)  
24 Rape 3 (RCW 9A.44.060)  
25 Sexual Misconduct with a Minor 1 (RCW  
26 9A.44.093)  
27 Child Molestation 3 (RCW 9A.44.089)  
28 Kidnapping 2 (RCW 9A.40.030)  
29 Extortion 1 (RCW 9A.56.120)  
30 Incest 2 (RCW 9A.64.020(2))  
31 Perjury 1 (RCW 9A.72.020)  
32 Extortionate Extension of Credit (RCW  
33 9A.82.020)  
34 Advancing money or property for  
35 extortionate extension of credit (RCW  
36 9A.82.030)  
37 Extortionate Means to Collect Extensions  
38 of Credit (RCW 9A.82.040)

1 Rendering Criminal Assistance 1 (RCW  
2 9A.76.070)  
3 Bail Jumping with class A Felony (RCW  
4 9A.76.170(2)(b))  
5 Sexually Violating Human Remains (RCW  
6 9A.44.105)  
7 Delivery of imitation controlled substance  
8 by person eighteen or over to person  
9 under eighteen (RCW 69.52.030(2))  
10 Possession of a Stolen Firearm (RCW  
11 9A.56.310)

12 IV Residential Burglary (RCW 9A.52.025)  
13 Theft of Livestock 1 (RCW 9A.56.080)  
14 Robbery 2 (RCW 9A.56.210)  
15 Assault 2 (RCW 9A.36.021)  
16 Escape 1 (RCW 9A.76.110)  
17 Arson 2 (RCW 9A.48.030)  
18 Commercial Bribery (RCW 9A.68.060)  
19 Bribing a Witness/Bribe Received by  
20 Witness (RCW 9A.72.090, 9A.72.100)  
21 Malicious Harassment (RCW 9A.36.080)  
22 Threats to Bomb (RCW 9.61.160)  
23 Willful Failure to Return from Furlough  
24 (RCW 72.66.060)  
25 Hit and Run « Injury Accident (RCW  
26 46.52.020(4))  
27 Hit and Run with Vessel « Injury Accident  
28 (RCW 88.12.155(3))  
29 Vehicular Assault (RCW 46.61.522)  
30 Manufacture, deliver, or possess with  
31 intent to deliver narcotics from  
32 Schedule III, IV, or V or  
33 nonnarcotics from Schedule I-V  
34 (except marijuana or  
35 methamphetamines) (RCW  
36 69.50.401(a)(1)(ii) through (iv))  
37 Influencing Outcome of Sporting Event (RCW  
38 9A.82.070)

1 Use of Proceeds of Criminal Profiteering  
2 (RCW 9A.82.080 (1) and (2))  
3 Knowingly Trafficking in Stolen Property  
4 (RCW 9A.82.050(2))

5 III Criminal Mistreatment 2 (RCW 9A.42.030)  
6 Extortion 2 (RCW 9A.56.130)  
7 Unlawful Imprisonment (RCW 9A.40.040)  
8 Assault 3 (RCW 9A.36.031)  
9 Assault of a Child 3 (RCW 9A.36.140)  
10 Custodial Assault (RCW 9A.36.100)  
11 Unlawful possession of firearm in the  
12 second degree (RCW 9.41.040(1)(b))  
13 Harassment (RCW 9A.46.020)  
14 Promoting Prostitution 2 (RCW 9A.88.080)  
15 Willful Failure to Return from Work  
16 Release (RCW 72.65.070)  
17 Burglary 2 (RCW 9A.52.030)  
18 Introducing Contraband 2 (RCW 9A.76.150)  
19 Communication with a Minor for Immoral  
20 Purposes (RCW 9.68A.090)  
21 Patronizing a Juvenile Prostitute (RCW  
22 9.68A.100)  
23 Escape 2 (RCW 9A.76.120)  
24 Perjury 2 (RCW 9A.72.030)  
25 Bail Jumping with class B or C Felony (RCW  
26 9A.76.170(2)(c))  
27 Intimidating a Public Servant (RCW  
28 9A.76.180)  
29 Tampering with a Witness (RCW 9A.72.120)  
30 Manufacture, deliver, or possess with  
31 intent to deliver marijuana (RCW  
32 69.50.401(a)(1)(ii))  
33 Delivery of a material in lieu of a  
34 controlled substance (RCW  
35 69.50.401(c))  
36 Manufacture, distribute, or possess with  
37 intent to distribute an imitation  
38 controlled substance (RCW  
39 69.52.030(1))

1 Recklessly Trafficking in Stolen Property  
2 (RCW 9A.82.050(1))  
3 Theft of livestock 2 (RCW 9A.56.080)  
4 Securities Act violation (RCW 21.20.400)

5 II Unlawful Practice of Law (RCW 2.48.180)  
6 Malicious Mischief 1 (RCW 9A.48.070)  
7 Possession of Stolen Property 1 (RCW  
8 9A.56.150)  
9 Theft 1 (RCW 9A.56.030)  
10 Trafficking in Insurance Claims (RCW  
11 48.30A.015)  
12 Unlicensed Practice of a Profession or  
13 Business (RCW 18.130.190(7))  
14 Health Care False Claims (RCW 48.80.030)  
15 Possession of controlled substance that is  
16 either heroin or narcotics from  
17 Schedule I or II (RCW 69.50.401(d))  
18 Possession of phencyclidine (PCP) (RCW  
19 69.50.401(d))  
20 Create, deliver, or possess a counterfeit  
21 controlled substance (RCW  
22 69.50.401(b))  
23 Computer Trespass 1 (RCW 9A.52.110)  
24 Escape from Community Custody (RCW  
25 72.09.310)

26 I Theft 2 (RCW 9A.56.040)  
27 Possession of Stolen Property 2 (RCW  
28 9A.56.160)  
29 Forgery (RCW 9A.60.020)  
30 Taking Motor Vehicle Without Permission  
31 (RCW 9A.56.070)  
32 Vehicle Prowl 1 (RCW 9A.52.095)  
33 Attempting to Elude a Pursuing Police  
34 Vehicle (RCW 46.61.024)  
35 Malicious Mischief 2 (RCW 9A.48.080)  
36 Reckless Burning 1 (RCW 9A.48.040)  
37 Unlawful Issuance of Checks or Drafts (RCW  
38 9A.56.060)

1 Unlawful Use of Food Stamps (RCW 9.91.140  
2 (2) and (3))  
3 False Verification for Welfare (RCW  
4 74.08.055)  
5 Forged Prescription (RCW 69.41.020)  
6 Forged Prescription for a Controlled  
7 Substance (RCW 69.50.403)  
8 Possess Controlled Substance that is a  
9 Narcotic from Schedule III, IV, or V  
10 or Non-narcotic from Schedule I-V  
11 (except phencyclidine) (RCW  
12 69.50.401(d))

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